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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,287

02/17/2004

Paul C. Nasvik

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EXAMINER

MYERS, JEROME B

ART UNIT

PAPER NUMBER

3609

MAIL DATE

DELIVERY MODE

07/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,287

Applicant(s)

NASVIK, PAUL C.

Examiner

Jerome B. Myers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20070625.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 6, 8 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9-25, 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20040217 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-5, 7, 9-25, 27-32 of US Application 10/780,287, filed on 02/17/2004, are presented for examination.

Election/Restrictions

2. Claims 6, 8, and 26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 06/25/2007.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

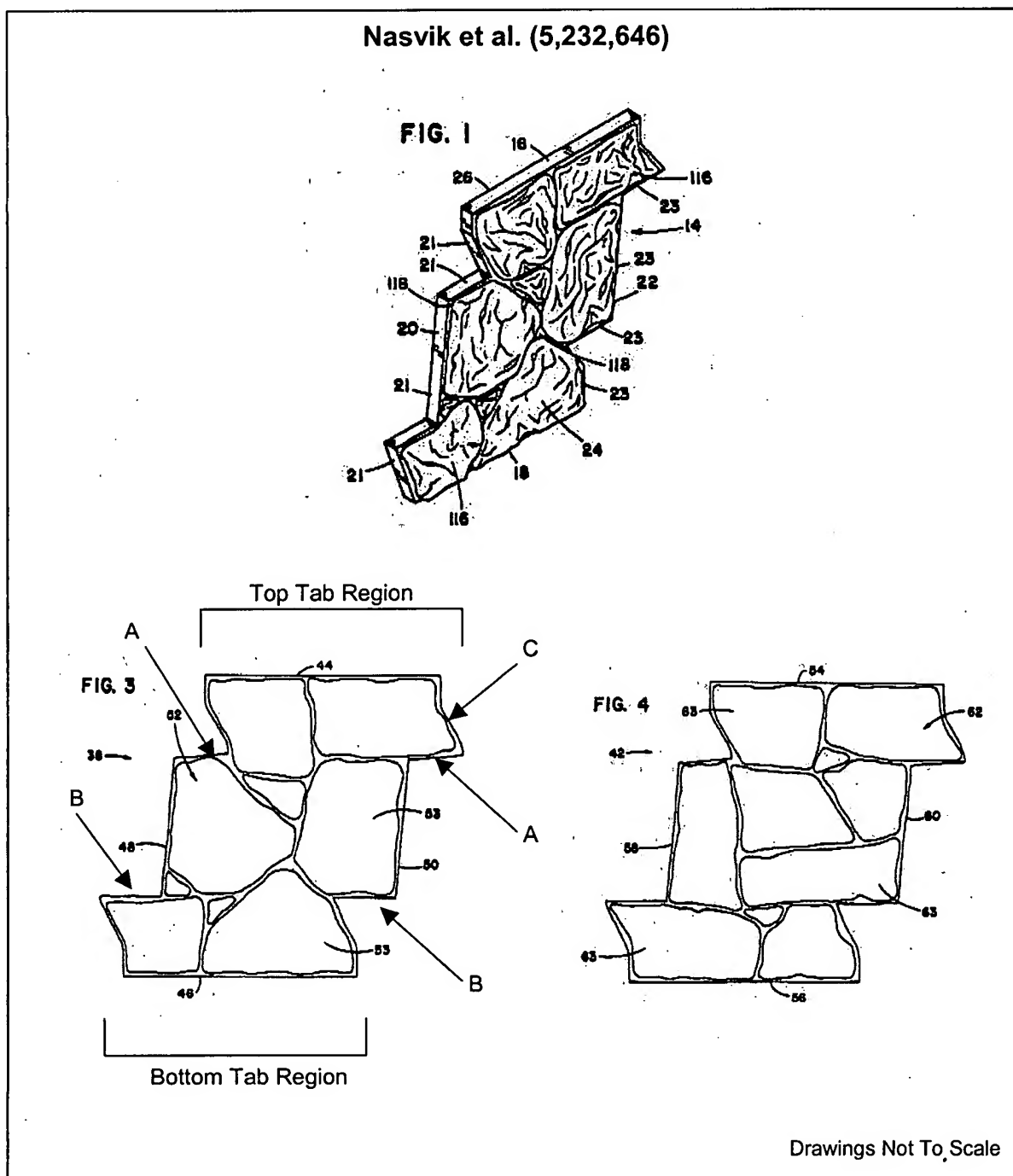
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 7, 10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Nasvik et al. (5,232,646).

5. Regarding claims 1, 7, 10, and 12, with reference to Fig. 1 and Fig. 3 (Page 2), Nasvik et al. discloses a formed wall portion (14) (Col. 3, Lines 67-68).

6. The examiner notes that the wall portion is an apparatus comprising a front surface having a pattern of simulated stone regions (24), wherein the pattern of stone regions comprise stone regions resembling cut stones (Col. 2, Lines 16-18), and coloring on the stone regions (Col. 5, Lines 64-68, Col. 6, Line 1). Said wall portion further comprise simulated mortar regions (C), a back mounting surface (26), a side interconnection region (48 & 50), a first side (A) adjacent the side interconnection

region, a second side (B) adjacent the side interconnection region (48 & 50), and a top and bottom tab region, wherein the length of the top and bottom tab is about one quarter of an inch less than the combined length of the first side and second sides adjacent the side interconnection region (Fig. 3).



Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nasvik et al. (5,232,646), in view of Piazza (4,229,497).

9. Regarding claim 2, with reference to Fig. 1 and Fig. 3 (Page 2), Nasvik et al. teaches a wall portion comprising a front surface having a pattern of simulated stone regions (24), with simulated mortar regions (C), a back mounting surface (26), a side interconnection region (48 & 50), a first side (A) adjacent the side interconnection region, a second side (B) adjacent the side interconnection region (48 & 50), and a top and bottom tab region. Nasvik et al. does not teach fiber reinforcement.

10. Piazza teaches fiber reinforcement incorporated into a cementitious material (Col. 4, Lines 60-64).

11. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to have modified Nasvik's wall portion with the teachings of Piazza's reinforcement, to develop a light and durable panel.

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nasvik et al. (5,232,646), in view of Keller (4,275,540).

13. Regarding claim 4, with reference to Fig. 1 and Fig. 3 (Page 2), Nasvik et al. teaches a wall portion comprising a front surface having a pattern of simulated stone

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regions (24), with simulated mortar regions (C), a back mounting surface (26), a side interconnection region (48 & 50), a first side (A) adjacent the side interconnection region, a second side (B) adjacent the side interconnection region (48 & 50), and a top and bottom tab region. Nasvik et al. does not teach mirror symmetry.

14. Keller teaches a wall section with mirror symmetry (Fig.1).

15. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to have modified Nasvik's wall portion with the teachings of Keller's wall section to create a uniform panel.

16. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nasvik et al. (5,232,646), in view of Horstketter et al. (6,449,914).

17. Regarding claim 11, with reference to Fig. 1 and Fig. 3 (Page 2), Nasvik et al. teaches a wall portion comprising a front surface having a pattern of simulated stone regions (24), with simulated mortar regions (C), a back mounting surface (26), a side interconnection region (48 & 50), a first side (A) adjacent the side interconnection region, a second side (B) adjacent the side interconnection region (48 & 50), and a top and bottom tab region. Nasvik et al. does not teach integrated cast-in threaded inserts.

18. Horstketter et al. teaches an embedded threaded insert (Col.11, Lines 34-36).

19. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to have modified Nasvik's wall portion with the teachings of Horstketter's embedded threaded insert, to create a panel that when attached to a mounting surface, the panel is flush with that mounting surface.

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20. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nasvik et al. (5,232,646), in view of Keller (4,275,540), as applied to claim 4 above, and in further view of Neumann (4,299,069).

21. Regarding claim 5, with reference to Fig. 1 and Fig. 3 (Page 2), Nasvik et al. teaches a wall portion comprising a front surface having a pattern of simulated stone regions (24), with simulated mortar regions (C), a back mounting surface (26), a side interconnection region (48 & 50), a first side (A) adjacent the side interconnection region, a second side (B) adjacent the side interconnection region (48 & 50), and a top and bottom tab region. Nasvik et al. does not teach mirror symmetry and a panel comprising twenty sides.

22. Keller teaches a wall section with mirror symmetry (Fig.1).

23. Neumann teaches a panel comprising twenty sides (Fig.1).

24. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to have modified Nasvik's wall portion with the teachings of Keller's wall section and Neumann's panel to create a uniform multi sided panel.

25. Claims 3, 9, 17, 18, 22-25, and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nasvik et al. (5,232,646), in view of Sherry (5,787,666).

26. Regarding claims 3 and 9, with reference to Fig. 1 and Fig. 3 (Page 2), Nasvik et al. teaches a wall portion comprising a front surface having a pattern of simulated stone regions (24), with simulated mortar regions (C), a back mounting surface (26), a side interconnection region (48 & 50), a first side (A) adjacent the side interconnection region, a second side (B) adjacent the side interconnection region (48 & 50), and a top

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and bottom tab region. Nasvik et al. does not teach a thickness of about one half inch to about three quarters of an inch, and a size of about two feet by about six feet.

27. Sherry teaches a panel ranging in thickness from 1 to 2 inches and a size of two feet by four feet (Col. 6, Lines 2-4). The examiner notes that 1 inch is considered about three quarters of an inch. The examiner also notes that although two feet by four feet is not equal to two feet by six feet, it is obvious that a panel can have various scales of the same design.

28. Therefore, It would have been obvious to one having ordinary skill in the art, at the time the invention was made to have modified Nasvik's wall portion with the teachings of Sherry's thickness and size in order to create a thin panel to a desired scaled size.

29. Regarding claims 17, 18, 22, 23, with reference to Fig. 3 and Fig. 4 (Page 2), Nasvik et al. teaches a first wall portion comprising a front surface having a pattern of simulated stone regions (24), with simulated mortar regions extending around a perimeter of the front surface of the first concrete veneer panel (C), a second wall portion comprising a front surface having a pattern of simulated stone regions, with simulated mortar regions extending around a perimeter of the front surface of the first concrete veneer panel; wherein the pattern of simulated stone regions on the first panel is different from the pattern of simulated stone regions on the second panel; and wherein the two panels have an identical shape comprising two side interconnecting regions which allow the first and second panels to interconnect horizontally; and wherein the first side (A) is adjacent the side interconnection region (48 & 50), a

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second side (B) is adjacent the side interconnection region (48 & 50), and comprise a top and bottom tab region; and wherein the first and second panel interconnect horizontally by rotating the second panel 180 degrees relative to the first panel; and wherein the length of the top and bottom tab is about one quarter of an inch less than the combined length of the first side and second sides adjacent the side interconnection region. Nasvik et al. does not teach non-linear top and bottom surfaces.

30. Sherry teaches a panel with non-linear top and bottom surfaces (Fig. 2).

31. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to modified Nasvik's wall portion with the teachings of Sherry's non-linear top and bottom surfaces in order to further disguise the pattern of joints between panels.

32. Regarding claims 24, 25, and 29, with reference to Fig. 3 and Fig. 4 (Page 2), Nasvik et al. teaches a wall portion that is connected horizontally at side-by-side connection regions by rotating the panel 180 degrees relative to the adjacent panel, and wherein the panels can also be connected vertically. A plurality of panels connected horizontally and vertically would thus create a panel system. Nasvik et al. does not teach non-linear top and bottom surfaces.

33. Sherry teaches a panel with non-linear top and bottom surfaces (Fig. 2).

34. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to modified Nasvik's wall portion with the teachings of Sherry's non-linear top and bottom surfaces in order to further disguise the pattern of joints between a plurality panels.

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35. Regarding claims 30-32, with reference to Fig. 3 and Fig. 4 (Page 2), Nasvik et al. teaches a wall portion that has at least two different patterns of simulated stones, wherein the two panels with different patterns have the same shape configured to allow a plurality of panels to interconnect horizontally and vertically; and wherein the panels have a fastening means, comprising sheet rock screws, for attaching to a wall surface (Fig. 7); and wherein the wall portions comprise a colorant (Col. 5, Lines 64-68) for coloring the simulated stones to make the simulated stone appear more realistic. Nasvik et al. does not teach caulk for a caulking location.

36. Sherry teaches filling in the spaces between adjoining panels with an appropriate jointing compound (caulk) (Col. 4, Lines 42-47).

37. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to have modified Nasvik's wall portion with the teachings of Sherry's jointing compound to mask the area created when a plurality of panels are adjoining in a system of panels.

38. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nasvik et al. (5,232,646), in view of Sherry (5,787,666) as applied to claims 3, 9, 17, 18, 22-25, and 29-32 above, and in further view of Keller (4,275,540).

39. Regarding claim 19, with reference to Fig. 3 and Fig. 4 (Page 2), Nasvik et al. teaches a first wall portion comprising a front surface having a pattern of simulated stone regions (24), with simulated mortar regions extending around a perimeter of the front surface of the first concrete veneer panel (C), a second wall portion comprising a front surface having a pattern of simulated stone regions, with simulated mortar regions

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extending around a perimeter of the front surface of the first concrete veneer panel; wherein the pattern of simulated stone regions on the first panel is different from the pattern of simulated stone regions on the second panel; and wherein the two panels have an identical shape comprising two side interconnecting regions which allow the first and second panels to interconnect horizontally; and wherein the first side (A) adjacent the side interconnection region (48 & 50), a second side (B) adjacent the side interconnection region (48 & 50), and a top and bottom tab region; and wherein the length of the top and bottom tab is about one quarter of an inch less than the combined length of the first side and second sides adjacent the side interconnection region (Fig.

3). Nasvik et al. does not teach non-linear top and bottom surfaces, and mirror symmetry.

40. Sherry teaches a panel with non-linear top and bottom surfaces (Fig. 2).

41. Keller teaches a wall section with mirror symmetry (Fig.1).

42. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to have modified Nasvik's wall portion with the teachings of Sherry's non-linear top and bottom surfaces and Keller's mirror symmetry, to create a panel, that when placed in a system having a plurality of panels, is uniform and is difficult to the naked eye to follow the panel pattern.

43. Claims 13, 15, 20, 21, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nasvik et al. (5,232,646), in view of Sherry (5,787,666) as applied to claims 3, 9, 17, 18, 22-25, and 29-32 above, and in further view of Piazza (4,229,497).

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44. Regarding claims 13 and 15, with reference to Fig. 1 and Fig. 3 (Page 2), Nasvik et al. teaches a wall portion comprising a front surface having a pattern of simulated stone regions (24), with simulated mortar regions (C), and a back mounting surface (26). Nasvik et al. does not teach a layer of fiber reinforced concrete, and thickness.

45. Piazza teaches a panel containing fiber reinforcement (Col. 2, Lines 61-62).

46. Sherry teaches a panel ranging in thickness from 1 to 2 inches (Col. 6, Line 2).

The examiner notes that 1 inch is considered about three quarters of an inch.

47. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to have modified Nasvik's wall portion with the teachings of Piazza's fiber reinforcement and Sherry's thickness to create a thin and strong panel.

48. Regarding claims 20 and 21, with reference to Fig. 3 and Fig. 4 (Page 2), Nasvik et al. teaches a first wall portion comprising a front surface having a pattern of simulated stone regions (24), with simulated mortar regions extending around a perimeter of the front surface of the first concrete veneer panel (C), a second wall portion comprising a front surface having a pattern of simulated stone regions, with simulated mortar regions extending around a perimeter of the front surface of the first concrete veneer panel; wherein the pattern of simulated stone regions on the first panel is different from the pattern of simulated stone regions on the second panel; and wherein the two panels have an identical shape comprising two side interconnecting regions which allow the first and second panels to interconnect horizontally. Nasvik et al. does not teach fiber reinforcement, thickness between about $\frac{1}{2}$ inch to about $\frac{3}{4}$ inch, and non-linear top and bottom surfaces.

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49. Piazza teaches a panel containing fiber reinforcement (Col. 2, Lines 61-62).

50. Sherry teaches a panel having non-linear top and bottom surfaces (Fig. 2) and a thickness ranging from 1 to 2 inches (Col. 6, Line 2). The examiner notes that 1 inch is considered about three quarters of an inch.

51. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to have modified Nasvik's wall portion with the teachings of Piazza's fiber reinforcement and Sherry's thickness and non-linear surfaces to create a durable, thin panel that when adjacent another similar panel, the joint is difficult to recognize.

52. Regarding claims 27 and 28, with reference to Fig. 3 and Fig. 4 (Page 2), Nasvik et al. teaches a wall portion that is connected horizontally at side-by-side connection regions by rotating the panel 180 degrees relative to the adjacent panel, and wherein the panels can also be connected vertically. A plurality of panels connected horizontally and vertically would thus create a panel system. Nasvik et al. does not teach fiber reinforcement, thickness between about $\frac{1}{2}$ inch to about $\frac{3}{4}$ inch, and non-linear top and bottom surfaces.

53. Piazza teaches fiber reinforcement incorporated into a cementitious material (Col. 4, Lines 60-64).

54. Sherry teaches a panel having non-linear top and bottom surfaces (Fig. 2) and a thickness ranging from 1 to 2 inches (Col. 6, Line 2). The examiner notes that 1 inch is considered about three quarters of an inch.

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55. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to have modified Nasvik's wall portion with the teachings of Piazza's fiber reinforcement and Sherry's thickness and non-linear surfaces to create a durable, thin panel that when adjacent another similar panel, the joint is difficult to recognize.

56. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nasvik et al. (5,232,646), in view of Sherry (5,787,666), and Piazza (4,229,497), as applied in claims 13, 15, 20, 21, 27, and 28 above, and in further view of Keller (4,275,540).

57. Regarding claim 14, with reference to Fig. 1 and Fig. 3 (Page 2), Nasvik et al. teaches a wall portion comprising a front surface having a pattern of simulated stone regions (24), with simulated mortar regions (C), and a back mounting surface (26). Nasvik et al. does not teach a layer of fiber reinforced concrete, thickness, and mirror symmetry.

58. Piazza teaches a panel containing fiber reinforcement (Col. 2, Lines 61-62).

59. Sherry teaches a panel having a thickness ranging from 1 to 2 inches (Col. 6, Line 2). The examiner notes that 1 inch is considered about three quarters of an inch.

60. Keller teaches a wall section with mirror symmetry (Fig.1).

61. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to have modified Nasvik's wall portion with the teachings of Piazza's fiber reinforcement, Sherry's thickness, and Keller's mirror symmetry to create a durable, thin panel that when adjacent another similar panel, the joints are difficult to recognize.

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62. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nasvik et al. (5,232,646), in view of Sherry (5,787,666), and Piazza (4,229,497) as applied in claims 13, 15, 20, 21, 27, and 28 above, and in further view, and Horstketter (6,449,914).

63. Regarding claim 16, with reference to Fig. 1 and Fig. 3 (Page 2), Nasvik et al. teaches a wall portion comprising a front surface having a pattern of simulated stone regions (24), with simulated mortar regions (C), and a back mounting surface (26). Nasvik et al. does not teach a layer of fiber reinforced concrete, thickness, and integrated cast-in threaded inserts.

64. Piazza teaches a panel containing fiber reinforcement (Col. 2, Lines 61-62).

65. Sherry teaches a panel having a thickness ranging from 1 to 2 inches (Col. 6, Line 2). The examiner notes that 1 inch is considered about three quarters of an inch.

66. Horstketter et al. teaches an embedded threaded insert (Col.11, Lines 34-36).

67. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to have modified Nasvik's wall portion with the teachings of Piazza's fiber reinforcement, Sherry's thickness, and Horstketter's integrated cast-in threaded inserts to create a durable, thin panel that when attached to a mounting surface, the panel is flush with that mounting surface.

68. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome B. Myers whose telephone number is (571) 270-3097. The examiner can normally be reached on Mon-Fri, 7:30AM-5:00PM, Alt. Fri Off, EST..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Batson
Supervisory Patent Examiner
Art Unit 3600

JBM

